

# 3.0 Land Ownership, Regulation and Management



Ron Cruikshank

*Richardson Mountains*

## 3.1 Land Ownership

Within the Gwich'in Settlement Area there are Gwich'in Settlement Lands, Crown lands, Commissioners land and Municipal lands. By far Gwich'in Settlement Lands and Crown lands make up the majority of the Gwich'in Settlement Area.

Gwich'in Settlement Lands were established in 1992 through the Gwich'in Land Claim. The Gwich'in Tribal Council holds subsurface and surface rights for approximately 11% (6,158 km<sup>2</sup>) of the settlement area, and holds surface rights for approximately 28% (16,264 km<sup>2</sup>) of the settlement area.<sup>1</sup>

Subsurface rights for the Gwich'in surface areas are administered by the federal government. Crown land, where the government administers the rights to subsurface and surface lands, accounts for approximately 61% (34,513 km<sup>2</sup>) of the Gwich'in Settlement Area (see Figure 9).

### What are Gwich'in Settlement Lands?

Through the Gwich'in Land Claim, the Gwich'in have private title to some of the land in the Gwich'in Settlement Region. This is known as Gwich'in Settlement Land and includes surface and, in some areas, surface and sub-surface ownership. Title to the land is held by the Gwich'in Tribal Council on behalf of all beneficiaries.

## 3.2 Gwich'in Settlement Land Management

The Gwich'in Tribal Council is the group that oversees Gwich'in rights on Gwich'in Settlement Lands and compensation for the use of Gwich'in Settlement Lands. This work is carried out through the Gwich'in Land Administration. The Gwich'in Tribal Council continues to develop *Land and Control Rules* which are used to manage and control Gwich'in Settlement Lands. The Gwich'in Tribal Council may also prepare a land use plan for Gwich'in settlement lands which will be considered by the Planning Board.



GNWT

## 3.3 Municipal Land Management

Municipal lands in the Gwich'in Settlement Area are managed by the Government of the Northwest Territories through the Department of Municipal and Community Affairs and by municipal corporations such as the Town of Inuvik. Although the Gwich'in Land Use Planning Board has no authority over

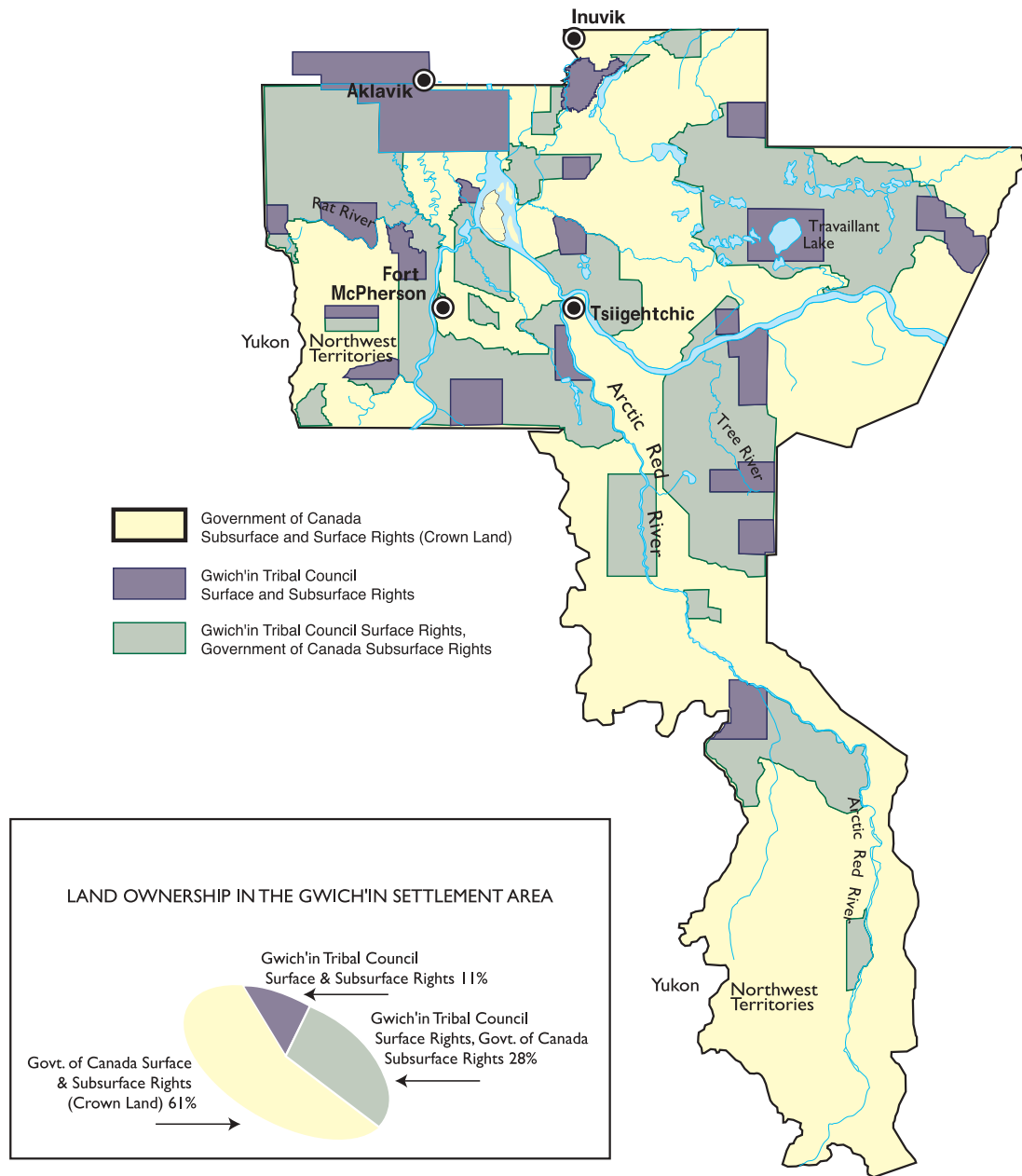
municipal lands there are some cross boundary issues that the two groups share such as water resources, waste management and transportation.

## 3.4 Mackenzie Valley Resource Management Act

The *Mackenzie Valley Resource Management Act* was proclaimed on December 22nd, 1998. This Act implements many land and water provisions in the Gwich'in Land Claim. The Act creates the Gwich'in Land Use Planning Board, the Gwich'in Land and Water Board, and the Mackenzie Valley Environmental Impact Review Board. Section Four of the Act, establishing the Mackenzie Valley Land and Water Board, was proclaimed on March 31st, 2000.

The *Mackenzie Valley Resource Management Act* sets out a new system for looking after development in the Gwich'in Settlement Area and in the Mackenzie Valley. The Act provides for an integrated system of land and water management throughout the Mackenzie Valley.

# Figure 9: Land Ownership



### **3.5 Gwich'in Land Use Planning Board**

The Gwich'in Land Use Planning Board is responsible for developing, reviewing and proposing approvals, exceptions and amendments to the Gwich'in Land Use Plan.

### **3.6 Gwich'in Renewable Resource Board**

The Gwich'in Renewable Resource Board is the main group dealing with wildlife, fish and forests in the Gwich'in Settlement Area. Their role is to conduct research and propose policies to protect wildlife and wildlife habitat as well as Gwich'in harvesting rights on the land. The Gwich'in Renewable Resource Board works with Gwich'in community groups (Renewable Resource Councils) to manage wildlife, fish and forests.

The Gwich'in Renewable Resource Board conducts wildlife, fish and forest research and the Gwich'in Harvest Study. They are currently working to develop wildlife management plans and a forest management plan for the Gwich'in Settlement Area.

### **3.7 Gwich'in Land and Water Board**

The Gwich'in Land and Water Board is a regional panel of the Mackenzie Valley Land and Water Board and is responsible for the management of land and water use and the deposit of waste into water in the Gwich'in Settlement Area. They issue, amend, or renew land use permits and water licences on government lands (crown land) and on Gwich'in Settlement Lands (see Figure 10).

### **3.8 Mackenzie Valley Environmental Impact Review Board**

The Mackenzie Valley Environmental Impact Review Board is responsible for environmental assessment and public review of developments throughout the Mackenzie Valley. If a proposed development may have significant adverse environmental impacts or is of public concern it is referred to the Review Board for an environmental assessment. In the Gwich'in Settlement Area, a proposed development can be referred to the Review Board by the Gwich'in Tribal Council, local government or a department or agency of the federal or territorial government if the development will have an impact within their boundaries, as well as by the regulatory group involved such as the Gwich'in Land and Water Board.

## Figure 10: Getting a Land Use Permit or Water License

The applicant submits an application to the Gwich'in Land and Water Board for a land use permit or water license. The Gwich'in Land and Water Board ensures that the land owner (Gwich'in Tribal Council or Federal Government) has given permission to use the land.



When permission is received the Gwich'in Land and Water Board ensures that the proposed activity conforms to the Land Use Plan. Questionable applications are sent to the Gwich'in Land Use Planning Board. If the application does not conform to the Land Use Plan it is rejected.



Applications that conform to the Land Use Plan are reviewed by the Gwich'in Land and Water Board. The Board circulates it to community groups, government and other organizations for comments.



The Gwich'in Land and Water Board issues the permit or license unless it concludes that there might be serious environmental or public concerns with the application. When there are serious concerns it is forwarded to the Mackenzie Valley Environmental Impact Review Board.

The Mackenzie Valley Environmental Impact Review Board does an environmental assessment or public review and recommends that the activity be approved, rejected or approved with conditions.



*(The Gwich'in Land and Water Board is the organization to contact to obtain a land use permit or water license application form in the Gwich'in Settlement Area.)*

### **3.9 Mackenzie Valley Land and Water Board**

The Mackenzie Valley Land and Water Board is responsible for dealing with proposed activities that may impact on land and water use across more than one Settlement Area. For example, the Mackenzie Valley Land and Water Board would become involved in a proposed land use activity that would effect both the Gwich'in Settlement Area and the Sahtu Settlement Area.

### **References**

<sup>1</sup> Gwich'in Comprehensive Land Claim Agreement (1992)